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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,221	09/03/2003	Susumu Katagiri	R2184.0088/P088-A	2742

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EXAMINER

MAGEE, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/653,221	Applicant(s) KATAGIRI, SUSUMU	
	Examiner Christopher R. Magee	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-23 and 26-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-23 and 26-29 is/are rejected.
- 7) ☒ Claim(s) 30-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. The indication of allowable subject matter of claims 20-23 in the Office Action, dated 2/16/2006 has been withdrawn in view of the newly discovered reference(s) to Park et al. (US 6,044,057). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 20-23 and 26-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Park et al. (US 6,044,057).

- Regarding claims 20, 22, 26 and 28, Parks shows an adjustment structure for adjusting a seek mechanism which moves an optical pickup 320 that irradiates a light beam on an optical disk to record and/or reproduce information on and/or from the optical disk, said adjustment structure comprising:

a base body 300 ; and

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a first support mechanism 360 and a second support mechanism 351' respectively provided on the base body 300,

each of said first 360 and second support mechanisms 351' having a pivot-receiving member 362, 357, respectively, and a pin 501, 502 having a rounded tip end which engages the pivot-receiving member [Figures 5, 10, 11 and 12].

- Regarding claims 21, 23, 27 and 28, Park shows an optical disk apparatus comprising:
 - a base body 300;
 - a spindle motor 310 provided on the base body 300, configured to rotate an optical disk;
 - an optical pickup 320 configured to irradiate a light beam on the optical disk to record and/or reproduce information on and/or from the optical disk;
 - a seek mechanism 330, configured to move the optical pickup, and
 - an adjustment structure [i.e., phase adjusting device and the complex adjusting device] configured to adjust the seek mechanism, said adjustment structure comprising:
 - a first support mechanism 360 and a second support mechanism 351' (two support mechanisms) respectively provided on the base body 300,
 - each of said first and second support mechanisms having a pivot-receiving member 362, 357, respectively, and a pin 501, 502, having a rounded tip end, which engages the pivot-receiving member 357 [Figures 5, 10, 11 and 12].

Allowable Subject Matter

4. Claims 30-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 8/30/2006 have been fully considered but they are not persuasive. The Applicant asserts on pages 6-7:

"Claim 20 recites a plurality of 'pivot-receiving member[s]'. Each of the recited support mechanisms has a 'pivot-receiving member.' Park does not have the recited pivot-receiving members. The Park phase adjusting body 351' (Figs. 11 and 12) does not receive a pivot. It is not a pivot-receiving member. Therefore, claim 20 should be allowable over Park.

Moreover, Park has only one phase adjusting body 351'. Park does not disclose or suggest the plurality of pivot-receiving members recited in claim 20. This is another reason why claim 20 should be allowable over the prior art of record, and claims 26 and 30 should be allowable along with claim 20 and for other reasons."

The Examiner maintains that Park recites a first support mechanism 360 and a second support mechanism 351', respectively, provided on the base body 300, each of said first 360 and second support mechanisms 351' having a pivot-receiving member 362, 357, respectively, and a pin 501, 502 having a rounded tip end which engages the pivot-receiving member [Figures 5, 10, 11 and 12]. Therefore, the rejection of claims 20 and 26 is upheld.


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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (571) 272-7592. The examiner can normally be reached on M-F, 8: 00 am-4: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


ANGEL CASTRO
PRIMARY EXAMINER


Christopher R. Magee
Patent Examiner
Art Unit 2627

September 7, 2006
crm